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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

2007 JAN 22 PM 4: 29

Kenji TAGAWA et al.

: Mail Stop: ACCOUNTING DIVISION
REFUND BRANCH

Serial No. 09/436,656

:

Filed November 9, 1999

: Attorney Docket No. 99_1229A

DATA CONVERSION APPARATUS AND METHOD IN COPYRIGHT PROTECTING SYSTEM

REQUEST FOR REFUND

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request a refund of \$330.00 charged to Deposit Account No. 23-0975 on December 8, 2005 for a second-month extension of time. Applicants assert the charge is incorrect.

A Notice of Panel Decision from Pre- Appeal Brief Review (copy enclosed) was mailed on September 30, 2005 with a one-month period for response. Applicants' Attorney filed the Appeal Brief on November 30, 2005 with a one- month extension. The response was timely filed one month past the response due date, therefore no further extensions were due. We can find no other reason for the above-identified charge.

Kindly credit the refund of \$330.00 to the deposit account of undersigned, no. 23-0975. If there are any questions, please contact Donna Reynolds, Accounting Assistant, at (202) 721-8246.

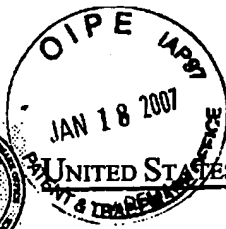
Respectfully submitted,

Kenji TAGAWA et al.

By Kenneth W. Fields
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Attorney for Applicants

KWF/dsr
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January 18, 2007

99_1229A



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,656	11/09/1999	KENJI TAGAWA	00177/530318	6961
7590 09/30/2005				
WENDEROTH LIND & PONACK 2033 "K" STREET N W SUITE 800 WASHINGTON, DC 20006				
EXAMINER O'CONNOR, GERALD J				
ART UNIT		PAPER NUMBER		
3627				

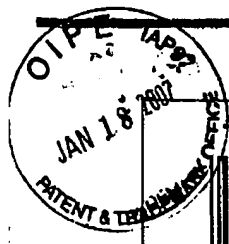
DATE MAILED: 09/30/2005


Please find below and/or attached an Office communication concerning this application or proceeding.

REC

OCT - 2

WENDEROTH, LIND



Application Number 	Application/Control No. 09/436,656	Applicant(s)/Patent under Reexamination TAGAWA ET AL.	
	Alexander Kalinowski	Art Unit 3626	
Document Code - AP PRE DEC			

Notice of Panel Decision from Pre-Appeal Brief Review



This is in response to the Pre-Appeal Brief Request for Review filed 8/8/2005.

1. ☐ **Improper Request** – The Request is improper and a conference will not be held for the following reason(s):

- ☐ The Notice of Appeal has not been filed concurrent with the Pre-Appeal Brief Request.
- ☐ The request does not include reasons why a review is appropriate.
- ☐ A proposed amendment is included with the Pre-Appeal Brief request.
- ☐ Other:

The time period for filing a response continues to run from the receipt date of the Notice of Appeal or from the mail date of the last Office communication, if no Notice of Appeal has been received.

2. ☒ **Proceed to Board of Patent Appeals and Interferences** – A Pre-Appeal Brief conference has been held. The application remains under appeal because there is at least one actual issue for appeal. Applicant is required to submit an appeal brief in accordance with 37 CFR 41.37. The time period for filing an appeal brief will be reset to one month from mailing this decision, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendable under 37 CFR 1.136 based upon the mail date of this decision or the receipt date of the notice of appeal, as applicable.

☒ The panel has determined the status of the claim(s) is as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 22-24, 26-28 and 43-48

Claim(s) withdrawn from consideration: _____

3. ☐ **Allowable application** – A conference has been held. The rejection is withdrawn and a Notice of Allowance will be mailed. Prosecution on the merits remains closed. No further action is required by applicant at this time.

4. ☐ **Reopen Prosecution** – A conference has been held. The rejection is withdrawn and a new Office action will be mailed. No further action is required by applicant at this time.

All participants:

(1) Alexander Kalinowski 

(2) John Weiss 

(3) Gerald O'Connor 

(4) _____

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- Sales Receipt -

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Adjustment Date: 04/05/2007 SDIBETA1
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